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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Final Office Action dated October 29, 2008. Claim 1 is amended. Applicant respectfully requests reconsideration of this application.

§112 Rejections

Claims 20 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 1 is amended to recite "at least one locating feature" instead of "a locating feature." Therefore, claim 20 and claim 21 are not indefinite.

§102 Rejections

Claims 1-3 stand finally rejected under 35 U.S.C. §102(b) as being anticipated by *Imoehl*. Claim 1 requires "a retainer to secure the fluid port to the tube." *Imoehl* fails to disclose these features. *Imoehl* teaches a tube 14 received within a hole 28 of a fuel rail 12. See Column 2, line 67 – Column 3, line 5. A cylindrical metal sleeve 34 having an annular ring 48 contacts a flange of the metal sleeve 34 to retain the tube 14 relative to the fuel rail 12. That is, *Imoehl* teaches securing the tube to the fluid port, and not the fluid port to the tube as required by claim 1. Accordingly, claims 1-3 are not anticipated.

§103 Rejections

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being obvious over *Imoehl*. As stated above, *Imoehl* does not teach each feature of Applicant's claim 1. Therefore, as claims 4-5 depend from claim 1, these rejections are moot.

In any event, it would not be an obvious design choice to select aluminum as the material for the tube, or to select plastic as the material for the retainer. There is no teaching, suggestion

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17. (Previously Presented) The method as recited in claim 16 further including the step of preventing over insertion of the metal tube during the step of inserting the fluid port into the metal tube.
18. (Original) The method as recited in claim 15 wherein the step of retaining includes molding a plastic retainer over a joint of the metal tube and the fluid housing.
19. (Cancelled)
20. (Previously Presented) The assembly as recited in claim 1, wherein said locating feature includes a first locating feature and a second locating feature, and said fluid port includes said first locating feature and said tube includes said second locating feature.
21. (Previously Presented) The assembly as recited in claim 20, wherein an annular collar of said fluid port includes said first locating feature, and a flared end of said tube includes said second locating feature.
22. (Previously Presented) The assembly as recited in claim 1, wherein said fluid connection assembly is part of a water heater system.
23. (Previously Presented) The assembly as recited in claim 1, wherein said fluid connection assembly is part of an air conditioning system.
24. (Previously Presented) The assembly as recited in claim 1, wherein said fluid connection assembly is part of a hydraulic system.

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or motivation within *Imoehl* that these materials would be suitable for the tube and the metal sleeve 34. In fact, *Imoehl* teaches against making the sleeve 34 of plastic because the metal sleeve 34 is designed to be insert molded into the fuel rail 12 during the process of fabricating the fuel rail 12. See Column 3, lines 10-20. The insert molding process could not occur if the retainer 34 was made of plastic. A person of ordinary skill in the art would understand that one could not insert mold plastic into plastic. Therefore, claims 4-5 are not obvious.

Claims 1, 6, 7, 13, 14 and 20-24 stand finally rejected under 35 U.S.C. §103(a) as being obvious over *Bartholomew*. Specifically, with respect to claim 1, the Examiner argues it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of *Bartholomew* with a first material and the tube of *Bartholomew* with a second material dissimilar to the first material as a matter of obvious design choice. Applicant disagrees.

There is no *prima facie* case of obviousness because there is no teaching, suggestion or motivation in *Bartholomew* to form the housing of a first material and the tube of a second material dissimilar to the first material. In fact, *Bartholomew* discloses a conduit coupling 20 designed to include a quick connect fastener 28 for fastening the male conduit 22 to the female member 24. See Column 2, lines 25-40. Because a quick connect design is contemplated, it would not be an "obvious design choice" to provide different materials from the conduit 22 and the female 24 of *Bartholomew*. A person of ordinary skill in the art would recognize the difficulty of providing a quick connection between conduits of different materials.

Although *Bartholomew* teaches that the conduit may be rigidly or flexibly coupled to an engine block, neither the male conduit 22 nor the female member 24 would be formed of a flexible material because of the desired quick connect. Rather, *Bartholomew* specifically teaches

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that the male conduit would be securely affixed to a separate flexible hose (not shown in the figures) to provide a flexible connection. See Column 2, lines 35-37. For all of these reasons, the proposed modification is improper and claims 1, 6-7 and 20-24 are not obvious.

With respect to claim 13, the Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the manifold and the retainer of plastic as a matter of obvious design choice. Applicant also respectfully disagrees with this rejection.

First, *Bartholomew* fails to disclose that "the flared end abuts the annular collar of the fluid port." The Examiner refers to feature 64 of *Bartholomew* as an equivalent to Applicant's claimed flared end, and refers to feature 28 of *Bartholomew* as the equivalent of Applicant's claimed annular collar. The flange 64 of the female member 24 does not abut the quick connect 28 of the *Bartholomew* assembly. As depicted in Figure 1, a gap extends between the flange 64 and the quick connect 28. Accordingly, *Bartholomew* fails to disclose each feature of Applicant's claim 13.

Moreover, it would not be obvious to form the manifold 22 and retainer 90 of plastic as a matter of obvious design choice. As stated above, the conduit 22 includes a quick connect 28 for fastening the male conduit 22 to the female member 24. It would not be obvious to form the manifold 22 and the quick connect 28 of plastic. In fact, it is unclear whether the quick connect 28 could function for its intended purpose if made of plastic. For these reasons, claims 13-14 are not obvious in view of *Bartholomew*.

Claims 1, 8, 9 and 15-18 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over *Smith*. The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the housing of *Smith*

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with a first material and the tube of *Smith* of a second material dissimilar to the first material as a matter of obvious design choice. With respect to claim 15, the Examiner contends it would be obvious to form the housing of plastic as a matter of obvious design choice. Applicant respectfully disagrees.

First, with respect to claim 1, *Smith* does not teach the feature of "a tube." The Examiner refers to the fitting 16 of *Smith* as equivalent to a tube. The fitting 16 is not a tube, as the fitting does not form a closed passage. See Figure 1. Therefore, claims 1, 8, 9 and 15-18 are neither anticipated nor made obvious.

Smith further teaches against the suggested modification. *Smith* teaches a quick connect push-on type fitting for its pipe and fitting connection. See column 4, lines 1-27. A person of ordinary skill in the art would recognize the difficulty of providing a quick connection between conduits of different materials. Moreover, because refrigerant line and fuel line applications are contemplated by *Smith*, plastic is not an appropriate material for the housing of *Smith*. See Column 4, lines 1-10. That is, a person of ordinary skill in the art would recognize that a material less susceptible to corrosion and wear would be desired in these harsh environments. For all of these reasons, claims 1, 8, 9 and 15-18 are not obvious.

Applicant respectfully submits that all claims are in condition for allowance.

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Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment relative to Application Serial No. 10/559,621 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 278-8300) on December 18, 2008.


Theresa M. Palmateer